



**AGRICULTURAL COMMISSIONER'S OFFICE AND
SEALER OF WEIGHTS & MEASURES**

Gary Caseri
Agricultural Commissioner/Sealer

3800 Cornucopia Way, Suite B
Modesto, California 95358
Phone: 209.525.4730 Fax: 209.525.4790

**STANISLAUS COUNTY
PESTICIDE USE ENFORCEMENT PROGRAM WORKPLAN
Calendar Years 2011-2013**

Program Goals & Objectives:

The Stanislaus County Agricultural Commissioner's office strives to have a high quality Pesticide Use Enforcement (PUE) program through enforcement, compliance assessment inspections and continuing education program. To increase the compliance rate, PUE staff works very closely with the industry to address any questions and concerns they might have regarding the use of pesticides and worker safety. The Agricultural Commissioner's philosophy is that compliance is difficult to achieve in this ever changing regulatory world. To be fair to our Agricultural industry and stakeholders in general, compliance should be achieved not only through the enforcement actions but also through education.

Pesticide Use Enforcement Resources and Workload:

In calendar year 2010, Stanislaus County Department of Agriculture personnel spent 19,728 hours performing pesticide use enforcement activities. One deputy agricultural commissioner, 7 licensed inspectors, 2 agricultural assistants, 2 clerical staff positions, and one System Engineer supports Stanislaus County's Pesticide Use Enforcement Program.

Organization & Personnel Resources

Stanislaus County is currently divided into 5 geographical areas known as districts. Each district has an assigned Pesticide Use Enforcement (PUE) inspector with varied levels of experience and training. An additional inspector is available to provide training, review reports, prepare paperwork for the enforcement actions and to cover other areas as needed. District inspectors are responsible for regulatory inspections, audits, complaint investigations, and other pesticide related investigations. In addition, the department has 11 full time licensed inspectors working in other program areas that are cross-trained in PUE and assist PUE inspectors when necessary. There is one Deputy Agricultural Commissioner position responsible for administration and supervision of the PUE program. One agricultural assistant manages the GIS program and updates maps and crop layers. One full time agricultural assistant and one clerical position assist with pesticide use report data entry, registrations and other associated job duties. One System Engineer is assigned to maintain the Restricted Materials Management System (RMMS) database, the AIRS software program, and to process data requests. All staff work out of the centrally located office in Modesto.

Equipment/Facilities/Assets:

- Each PUE Inspector has an assigned vehicle for daily use in the field. The vehicle is equipped with an investigation response kit, digital camera, cell phone, wind gauge, range finder, navigational unit, thermometer, and personal protective equipment. Inspectors also have access to fumigant detection devices and GPS units.
- An “incident response van” is equipped and available to respond to priority investigations and drift complaints.
- Each PUE Inspector has a tablet PC (portable computer) and printer for use in the field or office. Inspectors utilize the AIRS program to perform inspections in the field.
- The RMMS program is used by the department. It has a web-based application for electronic submittal of Notice of Intents (NOIs) and Pesticide Use Reports (PURs), which is currently used by the growers and Pest Control Businesses (PCBs). The electronic submittal of pesticide use reports has reduced the pesticide use reporting data entry workload by approximately 50%.
- The department uses Arc View GIS software. A long-term goal is to link GIS with RMMS. Permits, static GIS layers showing crop and acreage information is available for use by the inspectors both in the office and the field.
- All Permits and Operator Identification Numbers are scanned so that PCBs, Growers, Production Crop Advisors (PCAs), Dealers and Inspectors have electronic access to signed permits with site maps generated from the GIS Arc View program.
- Stanislaus County has an electronic complaint system, on the Stanislaus County homepage, where pesticide related complaints may be entered and directed to the appropriate department for response.
- The Investigation and Enforcement Tracking Database was developed by the department and is used to track compliance histories, outstanding investigations, and enforcement actions.

Workload History: Restricted Material Permitting/Licensee Registration Program**(2-Year Statistical History)**

	Year	Year	2-Year
	2009	2010	Average
Restricted Materials Permits Issued	1772	2033	1903
Private Applicator Certifications	458	628	543
Notice of Intents Reviewed	9932	8250	9091
Pre-Application Site Inspections	845	635	700
Operator Identification Numbers Issued	214	278	246
Continuing Education Sessions	19	12	16
C.E Session Attendance	645	517	581
Pest Control Business Registrations	181	113	147
Pest Control Advisor Registrations	182	107	146
Pest Control Pilot Registrations	33	29	31
Farm Labor Contractor Registrations	77	89	83
Structural Operator Notifications Received	101	61	81

Expected/Anticipated Changes:

- Expected continued increase in PUE hours due to staff cross-training, continued updates to laws and regulations, and new fumigant permit conditions.
- Expected increased number of inspections as staff becomes more experienced and trained.
- Expected increase of “compliance assistance” inspections to assist industry in achieving compliance.
- Anticipated increase in the number of complaint and illness investigations due to county’s electronic complaint system and also from renewed Memorandum of Understanding with California Poison Control System.

I. RESTRICTED MATERIALS PERMITTING:**Goal:**

Utilize the Restricted Material permitting process to protect the environment, public, and workers by mitigating hazards while still allowing for effective pest management.

Local Conditions – Sensitive Sites:

- Residences and occupied structures near application sites.
- Locations with a history of neighbor complaints.
- Other sensitive sites near application areas: sports parks, shopping centers, hospitals, schools, and licensed day care facilities.
- Rural communities including farm labor residential areas, schools and churches in close vicinity to production and non-production agricultural operations.
- Agriculture-urban interface around expanding cities (Patterson, Oakdale, Hughson, Turlock, Modesto, Riverbank and Salida).
- Dormant season applications to trees and vines in close proximity to waterways.
- Sensitive crops (protection of organic production, transplants, and applications near particular crops at certain times of year).
- Applications of pesticides toxic to bees.
- Endangered species habitat.
- Ground water protection areas (246 Sections).

Local Conditions – Crop Patterns:

- Stanislaus County produces over 200 commodities. Stanislaus County's primary agricultural crops include almonds, walnuts, wine grapes, forage crops (oats, corn, alfalfa), and vegetable crops (tomatoes, beans, cantaloupes, peppers, cauliflower, carrots, etc.).
- Crop patterns vary based on micro-climates, water availability and delivery systems, soil type, and historical farming practices.
- Production nurseries produce transplants and commercial nursery crops.
- Stanislaus County also has numerous post-harvest commodity processors.

A. Permit Evaluation:

- From mid-November through mid-February, Restricted Materials permits and Operator Identification numbers are issued on an appointment basis. Up to 4 Agricultural Inspectors issue permits and process registration renewals. One agricultural assistant supports the permitting and registration renewal process.
- Permit applicants are expected to bring updated crop information, and anticipated pesticide needs. During the permit review process, site maps are reviewed for accuracy and additional sensitive sites. The information is later entered into the GIS system to produce an accurate map layer of an area.
- Prior to permit issuance feasible alternatives and mitigation measures are evaluated, including, but not limited to: requiring buffers, increasing buffers, best management practices, using alternative types of equipment to avoid drift, and utilizing inspectors to monitor applications around sensitive sites. Permits are conditioned utilizing the Department of Pesticide Regulations (DPRs) suggested permit conditions or Stanislaus County Permit conditions to mitigate hazards. As needed, permits are amended to incorporate new regulations or policies (Section 18s, crop rotations, addition of pesticides to sites, etc).
- Private Applicator Certification is handled at the same time as permit issuance. If a Private Applicator needs to take the exam, it is administered and scored in advance of permit issuance. If the renewal is by Continuing Education (CE), the Private Applicator records are checked to verify completion of the requirements. CE hours are tracked for growers in the county in a database program.

1. Accomplishments:

- a. Permit maps have been updated and contain required information.
- b. Through the use of the GIS system, staff is able to identify properties claimed by different entities and discrepancies are resolved.

- c. Permit conditions have been updated and contain required application information.
- d. Signed Letters of Authorization were obtained when required.
- e. Comprehensive Sensitive Site maps have been created on the GIS system.

2. Areas in Need of Improvement:

- a. Additional training for staff to promote more consistency in permit issuance.
- b. Review of pesticide use reports at the time of permit issuance, especially for vertebrate pest control to assure 100% reporting of use.

3. Deliverables:

- a. Permit conditions will be updated as needed to reflect changes in the regulations and suggested DPR permit conditions.
- b. Evaluation of the entire permit process to identify problem areas and implement solutions to improve the consistency and effectiveness of the permitting process.
- c. Train staff to utilize the GIS system with RMMS. Consistency in documentation of the description of sites and accurate maps are essential to provide clearer information to site locations.
- d. Training of staff by Deputy Commissioner and DPR.

4. Measure of Success:

The Stanislaus County Agricultural Commissioner will continue to evaluate its Restricted Material permitting program to identify areas that may be enhanced for greater effectiveness, consistency, and efficiency. Trained staff, updated permits conditions, and better consistency in documentation of permit changes; will help to streamline the permitting process and provide a more complete Restricted Material Permitting Program. An accurate sensitive site map will provide for a quick check for permit renewals and NOI review. This will benefit the public, environment, workers, and industry by delivering a safe and effective pesticide management program.

B. Site Monitoring:

- Notice of Intents (NOIs) are received in person, by phone, electronically, or by fax. Currently, assigned District inspectors review NOIs on a daily basis. Proposed applications are checked for accuracy, completeness and compliance with the label and permit conditions. Product labels and site evaluations (Pre-Application Site Inspections) are used to determine whether mitigation measures are needed for the proposed application. The applicator and property operator are promptly notified if there is a denial

of the proposed application. The denial is documented on a "Permit/Notice of Intent Denial" form with the reason for denial and the property operator is entitled to due process.

- NOIs submitted with less than 24 hours notice are approved only if the commissioner determines that weather conditions, pest pressure, or irrigation could impact effective pest control if the application is delayed.
- Regulations require that 5% of NOIs submitted must have a Pre-Application Site Inspection. When selecting NOIs for site inspection, consideration is given to sensitive sites, weather conditions, soil moisture and temperature, pesticide toxicity, type of application (fumigation, aerial etc.) and compliance histories of permittees and applicators.

1. Accomplishments:

- a. NOIs are submitted 24 hours prior to pesticide applications and reviewed in a timely manner.
- b. PUE staff is using the "Permit/Notice of Intent Denial" form for documentation of denials.
- c. Pre-Application Site Inspections are conducted for 100% of NOIs submitted for field fumigations.
- d. 100% annual inspection of all non-agricultural restricted material use permits.

2. Areas in Need of Improvement:

- a. Better review of Restricted Materials Permits and pesticide labeling to assist in evaluation of the NOIs.
- b. Approval of 24 hour waiver without considering all the mitigation measures.
- c. Training of staff for understanding of permit conditions for applications involving field fumigants.
- d. Improve evaluation of NOIs using Aluminum Phosphide for vertebrate control.
- e. Consistent and proper documentation of NOI denials.

3. Deliverables:

- a. Better evaluation of proposed applications with the potential to impact the environment or human health, by verifying the NOI submissions at least 24 hours prior to proposed applications of restricted materials.
- b. Staff training by Deputy Commissioner and DPR.
- c. Use of "Permit/Notice of Intent Denial" form for documentation of NOI denials.

- d. Allocate more staff time for PUE by teaming them with inspectors that are licensed in PUE, but usually work in other programs.

4. Measure of Success:

Timely evaluation of proposed applications will help to mitigate any potential hazards prior to the application. A proactive evaluation of the sites based on the most current permit conditions, site conditions, and applicator will provide for safer applications.

II. COMPLIANCE MONITORING:

2011 INSPECTION WORKLOAD (APPROXIMATIONS)

Completed Investigations/Complaints	All
Application Inspections (non-fumigation):	
Property Operator	200
Pest Control Business/Maintenance Gardener	47
Structural Branch II	30
Structural Branch III	1
Fieldworker Safety Inspection	50
Mix/Load Inspection	
Property Operator	35
Pest Control Business/Maintenance Gardener	21
Structural Branch II/III	2
Fumigation Monitoring Inspection	
Field Fumigations	26
Commodity Fumigations	50
Structural Branch I	7
Headquarter/Employee Safety Inspections	
Property Operator	65
Pest Control Business/Maintenance Gardener	13
Structural	6
Other	7
Records Inspections	
Pest Control Business/Maintenance Gardener	15
Pest Control Advisor	25
Dealer	10
Structural	8

Pre-Application Site Inspections	5% of total NOIs submitted
Non-Agricultural using Restricted Materials	All
Rice Water Holding	11
Conditional Ag Waivers	If/when necessary

Comprehensive Inspection Plan:

Goal:

Assure that compliance monitoring is effective, thorough, and non-compliances are followed-up to ensure the safety of pesticide handlers, fieldworkers, the public, and the environment through the use of inspection strategy that has a measurable effect on compliance improvement.

Inspections:

- Pesticide use monitoring inspections are conducted based on potential hazard posed by the application, proximity to sensitive sites, and compliance history of the permittee or applicator. Inspections will continue to emphasize verification of compliance with worker safety standards, field fumigation requirements, and monitoring agricultural/urban interface, as well as, Business Records and Employee Safety Inspections for a better overall picture of pesticide use compliance.
- Training of new staff is needed so they are able to perform inspections in all of the pesticide use areas.

1. Accomplishments:

- a. Inspection application information and explanation of non-compliances in the remarks section has improved.
- b. Follow-up inspections involving non-compliances within 30 days has improved.

2. Areas in Need of Improvement:

- c. Focus on unlicensed maintenance gardeners by conducting more inspections and providing training and certification sessions.
- d. Provide outreach sessions for the schools and assist them with the pesticide handler and notification requirements training.
- e. Provide outreach to the dairy and poultry industry to increase compliance and employee safety with the handling of antimicrobials and insecticides.

- f. Focus on the use of fumigants on commodities by increasing application and records inspections.
- g. Focus on the use of the Fumigation Management Plan and Good Agricultural Practices in field fumigations, especially for sweet potato and strawberry growers.
- h. Continue to conduct all types of inspections to monitor different areas of pesticide use for a more complete picture of compliance.
- i. Focus on Business Records and Employee Safety Inspections to set expected standards with growers and businesses.
- j. Training for new staff and advanced training for experienced staff.

3. Deliverables:

- a. Increase surveillance in the urban areas to identify unlicensed landscape maintenance gardeners. Training and examination sessions for maintenance gardeners in partnership with DPR will be conducted in Spring 2011.
- b. Better documentation on reports at the time of inspection when non-compliances are identified.
- c. Conduct several types of inspections for a more complete picture of pesticide use. Also utilize "Compliance Assistance" inspections for educational purposes and follow up with an actual inspection.
- d. Increase Business Records and Employee Safety inspections of registered Pest Control Businesses, Dealers, and Advisors to achieve 100% inspection every two years.
- e. Increase Business Records and Employee Safety inspections of growers with employees to achieve 100% inspection every three years.
- f. Attempt to allocate more staff time for PUE by teaming them with inspectors that are licensed in PUE, but usually work in other programs.
- g. Provide user friendly Safety Pesticide Guide to each Permittee and Pest Control Business.
- h. Staff training by Deputy Commissioner and DPR.

4. Measures of Success:

The Enforcement Tracking system will help in tracking follow-up on inspections with non-compliances and measure compliance. Training of staff will increase effectiveness and consistency of compliance monitoring. "Compliance Assistance" and Business Records and Employee Safety inspections will increase educational interaction with the growers and set standards for compliance. Increased outreach to the unlicensed maintenance gardeners, school pesticide handlers, and the dairy industry will result in a higher compliance rate, and hopefully, reduce the number of illness investigations. Continued improvement in documentation of non-compliances

will produce more effective follow-ups and future compliance. Monitoring of all types of pesticide inspections will provide a more complete picture of pesticide use in the county.

Investigation/Complaint Response and Reporting:

Goal:

Thoroughly investigate all reported pesticide related incidents, using DPR investigative procedures, and complete investigations in a timely manner with accurate and supportive documentation.

Investigations/Complaints:

- All staff conducting investigations hold a license in Investigation and Environmental Monitoring or is supervised by a licensed inspector or deputy. Staff responds to complaints and incidents that may be related to pesticides.
- All investigations and complaints are responded to and must be completed in a timely manner.
- DPR sampling protocols are utilized when necessary. Each inspector carries an Investigation Sampling Kit with required supplies. The Pesticide Incident Response van is equipped (sampling supplies, protective equipment, etc) to respond to all incidents, primarily those classified as priority.
- DPR is contacted as assistance is needed. Cases are referred or provided to other agencies when necessary.

1. Accomplishments:

- a. An Investigation & Enforcement Tracking database is used to track illnesses and complaints for repeat incidents and timely completion of cases.
- b. PUE Inspectors are trained in Investigation Procedures.

3. Areas in Need of Improvement:

- a. Continued training is needed for staff on conducting investigations, sampling, interviewing complainants and respondents, and writing investigative reports.

3. Deliverables:

- a. Timely completion and tracking of all illness investigations.
- b. Thorough and complete investigative reports with supporting documentation.

- c. Sampling kits will provide efficient and ready-use sampling equipment when necessary. Incident response van will be stocked and made available for the staff to use in the event of any type of pesticide related incident.

4. Measure of Success:

Through continued training for staff on conducting investigations, sampling techniques, effective interviewing of complainants and respondents, and writing investigative reports, investigations can be completed in a timely, accurate manner. Better training will also provide consistent enforcement of pesticide laws and regulations. Readily available sampling supplies will ensure evidence collection is performed timely and correctly. A tracking log will provide investigation status information and assignment tracking, to help with efficiency. Accurate and complete investigations benefit all parties involved by mitigating future incidents.

III. ENFORCEMENT RESPONSE

Goal:

A commitment to improve the enforcement response associated with violations of pesticide laws and regulations. Consistently and equitably apply DPR's Enforcement Response Regulation (ERR) to incidents in which a violation of pesticide laws and/or regulations have been confirmed and documented.

When non-compliances are found, evidence for each violation is documented in the inspection report or investigative report. Several tools are used to achieve compliance. Responses to violations can range from education, outreach, decision report, administrative civil penalty, compliance interview, and civil or criminal court action. Decisions are made on the appropriate level by consideration of past history, severity of the non-compliance, and consultation with the deputy, commissioner, and DPR Enforcement Branch Liaison.

The department utilizes the Investigation & Enforcement Tracking database to monitor compliance history. The inspectors input the results of inspections and investigations with violations in the database. A file is created with a unique case number and Decision Report or Notice of Proposed Action is prepared based on the history, type and severity of the violation. This database provides efficient tracking and quick reference of compliance history which enables the staff to efficiently evaluate repeat violators to achieve long term and consistent compliance.

1. Accomplishments:

- a. An adequate tracking system for retrieving 2-year history of inspection non-compliances has been put into place.
- b. The tracking system is being used for documentation of the enforcement response action.

- c. Submission of Decision reports to DPR within 30 days of the non-compliances or follow-ups has improved.

2. Areas in Need of Improvement:

- a. Training for staff to promote consistency of enforcement of laws and regulations.
- b. Issuing Enforcement Actions in a timely manner.
- c. Consistently and fairly administer the appropriate enforcement response.

3. Deliverables:

- a. Structured staff training presented by the Deputy Agricultural Commissioner and DPR.
- b. Efficient tracking and quick reference of compliance histories for identifying repeat violators.
- c. Adherence to Enforcement Response regulations will ensure equal and fair enforcement and compliance actions.
- d. Take appropriate enforcement or compliance action within applicable statutes of limitations.

4. Measures of Success:

It is anticipated that there will be an increase in the number of enforcement and compliance actions due to the implementation of the Enforcement Response regulations. Appropriate compliance and enforcement actions may increase compliance by the expectation of continuance, that enforcement/compliance actions will be implemented when non-compliances are discovered. Better tracking of enforcement/compliance actions and better-trained staff will provide enforcement consistency and an overall more effective PUE program. Fair, consistent and prompt action holds violators accountable, while maintaining program integrity and effectiveness.

IV. PESTICIDE USE REPORTING

Goal:

Pesticide Use Reports and Monthly Summaries are received by the Stanislaus County Agricultural Commissioner through drop boxes placed throughout the county, fax, in person, by mail, and via electronic submission. The goal is to receive 100% pesticide use reports by the 10th day of the month following application from growers and within 7 days if applied by a Pest Control Businesses as required by the regulations.

1. Accomplishments

- a. Improvement in submission of use reports due to enforcement at permit issuance during the last 3 years.

- b. Automatic electronic submission of use reports through RMMS has increased the number and timeliness of submitted reports.

2. Areas in need of improvement

- a. Timely submission of use reports by the growers.
- b. Submission of use reports for the pesticides used for vertebrate pest control from growers.

3. Deliverables

- a. Cross check sales records at dealers with use reports from growers to determine percentage level of reporting.
- b. Encourage electronic submission of use reports.
- c. Track sales of diphacinone bait sold by the Stanislaus County Agricultural Commissioner by checking for use report submission from the last sale during permit issuance and subsequent sales.
- d. Verification of use reports following pesticide use monitoring inspections.

4. Measure of success

Timely and accurate submission of use reports will help in more accurate data. Increased pesticide use reporting, especially with vertebrate pesticides will help in achieving compliance with 100% use reporting requirements. There should be an increase in the percentage of use reports submitted over time as a result of sales records being cross checked between dealers and growers.


County Agricultural Commissioner/Representative


DPR Enforcement Branch Liaison/Representative

3-16-11
Date

3-16-11
Date